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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,768	03/10/2004	Robert Ciardella	11694/04308	4178
27483	7590	11/28/2005	EXAMINER	
CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			RODRIGUEZ, PAUL L	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/797,768	CIARDELLA ET AL.
	Examiner	Art Unit
	Paul L. Rodriguez	2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/12/04, 3/7/05.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

1. Claims 1-28 are presented for examination.

### ***Information Disclosure Statement***

2. The information disclosure statement filed 7/12/04 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Examiner could not locate and consider DE 88 06 214U and JP 3-3787 because copies were not provided, the listing if these documents have been lined through on the PTO 1449. All other references listed have been considered.

### ***Specification***

3. The disclosure is objected to because of the following informalities:  
Page 10 line 1 recites “Wireless node 340”, previously 330.  
Page 10 line 3 recites “transmitter/receiver 340”, previously “Wireless node 340”.  
Appropriate correction is required.

### ***Claim Objections***

4. Claims 1, 11, 14, 16, 22, 24 and 27 are objected to because of the following informalities:  
Claims 1, 11, 14, 22-24 and 27 are objected to for the use of the acronym PDA without defining the acronym. Because the acronym is not defined in the claim, the term could be held as indefinite. Because there are various definitions of the term used in the arts, it is

recommended that the term be defined in the claim to avoid any possible misinterpretation.

Claim 16 line 1 recites “the communication network”, previously “a network for facilitating communications”, but no “communication network”, reference to the same limitation should remain consistent to avoid any possible antecedent problems.

Claim 23 lines 4-5 recite “the wireless connection”, previously “wirelessly connecting” but no wireless connection.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17 and 18 (based upon it's dependency) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 17 recites the limitation "the access point" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-28 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by an EFD white paper titled "HOW TO INCREASE OUTPUT, REDUCE PRODUCTION COSTS, AND IMPROVE YOUR COMPETITIVE EDGE WITH A TABLE TOP XYZ DISPENSING SYSTEM" posted on [/www.efd-inc.com](http://www.efd-inc.com) February 2004.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-4, 6-9, 11 and 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al (U.S. Pat 6,769,462) in view of Nixon et al (U.S. Pub 2002/0130846).

Larson et al teaches (claim 1) a dispensing system (figure 1) comprising a dispensing

apparatus (reference number 1, col. 4 lines 57-60), a positioning system for controlling the dispensing apparatus (reference number 450) and a general purpose computer for controlling at least the positioning system (reference number 6, col. 109 lines 51-56), (claim 2) wherein the dispensing system is a fluid dispensing system and the dispensing apparatus is a fluid dispensing apparatus (col. 15 lines 55-60), (claim 7) the dispensing system logic for controlling the positioning system including position control logic (col. 10 lines 51-56), (claim 9) further including at least one personal computer (col. 10 lines 24-50), (claim 11) a fluid dispensing system (figure 1) comprising at least one fluid dispensing apparatus sized for table top application (figure 1, reference number 448, table), at least one positioning system for directing the dispensing apparatus (reference number 450), and at least one general purpose computer for controlling the positioning system (reference number 6, col. 10 lines 51-56), the computer having dispensing system logic for controlling the positioning system (col. 10 lines 51-56), (claim 14) a system for dispensing fluid (figure 1) comprising a plurality of fluid dispensing apparatuses (reference number 228 figure 1), at least one positioning system for each of the plurality of fluid dispensing apparatuses (reference number 450), at least one general purpose computer for controlling at least one of the positioning systems (reference number 6, col. 51-56), (claim 22) a method for controlling a liquid dispensing apparatus having a positioning system comprising the steps of connecting a general purpose computer to the positioning system (reference number 6, col. 10 lines 24-50), (claim 23) a method for controlling a plurality of liquid dispensing system (figure 1), (claim 24) a controller for a robotic fluid dispensing system (reference number 6) having at least one dispensing apparatus (reference number 228) coupled to at least one positioning system (reference number 450, figure 1), (claim 25) the dispensing system logic

including positioner control logic, (col. 10 lines 51-56), (claim 27) In a fluid dispensing system including a fluid dispensing apparatus and a positioning system (figure 1) the improvement comprising a controller for controlling the fluid dispensing system (reference number 6).

Larson et al fails to teach that the general purpose computer is a PDA, (claim 3) wherein the PDA communicates with the positioning system via a wired connection, (claim 4) wherein the PDA communicates with the positioning system via a wireless communication means, (claim 6, 8, 13, 26, 28) the logic for controlling the positioning system including positioner control logic, create programs logic, store programs logic and recall programs logic, (claim 9) further including at least one personal computer wherein the PDA has PC import/export logic for communicating with the personal computer, (claim 14) a network for facilitating communication between the at least one general purpose PDA and at least one of the positioning systems, (claim 15-21) the network including wired and wireless connections (claim 22) exchanging information between the general purpose PDA and the positioning system (claim 23) wirelessly connecting a general purpose PDA to a network, the network communicating with each apparatus and exchanging information between the PDA and the apparatus via the wireless connection (claim 24) the controller comprising a general purpose PDA for controlling the fluid dispensing system, the PDA having dispensing system logic, (claim 26) the controller including a general purpose PDA having dispensing system logic.

Nixon et al teaches teach that the general purpose computer is a PDA (reference number 30, paragraph 5, 6), (claim 3) wherein the PDA communicates with the positioning system via a wired connection (paragraph 22), (claim 4) wherein the PDA communicates with the positioning system via a wireless communication means (paragraph 22), (claim 6, 8, 13, 26, 28) the logic for

controlling the positioning system including positioner control logic, create programs logic, store programs logic and recall programs logic (paragraph 65, 66 considered obvious that these programs would be part of the control system), (claim 9) further including at least one personal computer wherein the PDA has PC import/export logic for communicating with the personal computer (paragraph 67), (claim 14 ) a network for facilitating communication between the at least one general purpose PDA and at least one of the positioning systems (paragraph 22, 66, 69), (claim 15-21) the network including wired and wireless connections (paragraph 22, 66, 69, 70), (claim 22) exchanging information between the general purpose PDA and the positioning system (paragraph 22, 66, 69, 70),(claim 23) wirelessly connecting a general purpose PDA to a network, the network communicating with each apparatus and exchanging information between the PDA and the apparatus via the wireless connection (paragraph 22, 66, 69,-74), (claim 24) the controller comprising a general purpose PDA for controlling the fluid dispensing system, the PDA having dispensing system logic (paragraph 65-74) and (claim 26) the controller including a general purpose PDA having dispensing system logic (paragraph 65, 66).

Larson et al and Nixon et al are analogous art because they are both related to apparatus control.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the PDA and means of communicating of Nixon et al in the dispensing apparatus of Larson et al because Nixon et al teaches an invention that relates generally to process control systems and, more particularly, to the use of a portable computer to provide enhanced support within a process control environment (paragraph 2).

11. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al (U.S. Pat 6,769,462) in view of Nixon et al (U.S. Pub 2002/0130846) as applied to claims 1-4, 6-9, 11 and 13-28 above, and further in view of Childs et al (U.S. Pat 6,694,256).

Larson et al as modified by Nixon et al teaches dispensing apparatus controlled using a PDA as recited in claims 1-4, 6-9, 11 and 13-28 for the reasons above, differing from the invention as recited in claims 5 and 12 in that their combined teaching lacks wherein the wireless communication means includes at least one bluetooth-compatible device.

Childs et al teaches a PDA with Bluetooth compatibility (claim 8).

Larson et al as modified by Nixon et al and Childs et al are analogous art because they are both related to a PDA.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize Bluetooth technology which is well known in the art of personal computing devices, in the PDA controlled dispensing apparatus of Larson et al as modified by Nixon et al because Bluetooth technology is well known in the art of portable electronic and computing devices and Childs teaches improved processing management (col. 1 lines 14-16).

12. Claim 10 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al (U.S. Pat 6,769,462) in view of Nixon et al (U.S. Pub 2002/0130846) as applied to claims 1-4, 6-9, 11 and 13-28 above, and further in view of Eagle (U.S. Pat 6,226,739).

Larson et al as modified by Nixon et al teaches dispensing apparatus controlled using a PDA as recited in claims 1-4, 6-9, 11 and 13-28 for the reasons above, differing from the

invention as recited in claim 10 in that their combined teaching lacks the PDA including positioner flash logic for flashing the positioning system.

Eagle teaches a PDA including flash logic for flashing (col. 2 lines 56 – col. 3 lines 13, col. 4 lines 26-41).

Larson et al as modified by Nixon et al and Eagle are analogous art because they are both related to a PDA.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize flashing which is well known in the art of personal computing devices, in the PDA controlled dispensing apparatus of Larson et al as modified by Nixon et al because Eagle provides a solution to the problem of how a PDA provides sufficient RAM capacity to store distributed software package installed into a PDA (col. 1 line 65 – col. 2 line 34).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ryegard et al (U.S. Pub 2005/0209711) – teaches the use of a PDA in the controlling plural industrial robots.

Micklash, II et al (U.S. Pub 2003/0175157) – teaches a fluid handling system that utilizes a PDA.

Phillips et al (U.S. Pub 2003/0088338) – teaches the use of a PDA to control a fluid dispensing device.

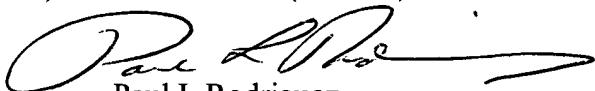
Patterson et al (U.S. Pat 2002/0160729) – teaches the use of a PDA to control a solenoid value.

Karbassi (U.S. Pat 6,907,302) – teaches the use of a PDA to monitor a control system.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul L. Rodriguez whose telephone number is (571) 272-3753. The examiner can normally be reached on 6:00 - 4:30 T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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